



INTERIOR BOARD OF INDIAN APPEALS

Bien Mur Indian Market Center v. Deputy Assistant Secretary -
Indian Affairs (Operations)

14 IBIA 242 (08/21/1986)

Clarifying:

14 IBIA 231

Judicial review of this case:

Appeal filed, *Bien Mur Indian Market Center, Inc. v. Hodel*, Civil No. 87-1257-JB
(D.N.M. filed Oct. 6, 1987)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

BIEN MUR INDIAN MARKET CENTER,
Appellant

v.

DEPUTY ASSISTANT SECRETARY--
INDIAN AFFAIRS (OPERATIONS),
Appellee

: Order Granting Reconsideration
:
:
:
: Docket No. IBIA 85-40-A
:
:
: August 21, 1986

The Board of Indian Appeals (Board) issued a decision in the above case on August 11, 1986. Bien Mur Indian Market Center v. Deputy Assistant Secretary--Indian Affairs (Operations), 14 IBIA 231 (1986). On August 18, 1986, the Board received a letter from appellant Bien Mur Indian Market Center seeking "clarification" of the decision. Because there are no regulatory procedures for the "clarification" of Board decisions, the letter will be treated as a petition for reconsideration under 43 CFR 4.315, which provides in pertinent part: "(a) Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. * * * The petition * * * shall contain a detailed statement of the reasons why reconsideration should be granted."

Appellant seeks to be reassured that the Board held only that the rental rate imposed by the Bureau of Indian Affairs on remand would be made effective retroactively to May 1, 1984, and that the rental rate initially imposed would not be enforced pending a decision on remand. The sentence in question reads: "As stated infra, the imposition of the new rental rate as of May 1, 1984, is affirmed."

Although the Board does not believe the decision needs clarification, in order to avoid any possible misunderstanding, reconsideration is granted for the sole purpose of clarifying the quoted sentence. Appellant's understanding of the Board's holding in Bien Mur, supra, as set forth in its August 14, 1986, letter, is correct.

//original signed

Kathryn A. Lynn
Administrative Judge

//original signed

Anita Vogt
Administrative Judge